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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,866	04/04/2000	Kenji Hirasawa	Q58719	6171

7590

07/26/2002

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EXAMINER

LEE, SEUNG H

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/542,866

Applicant(s)

HIRASAWA, KENJI

Examiner

Seung H Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 16 May 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/542,866 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 4,994,658, on the record)(hereinafter referred to as 'Takahashi') in view of Ohwa et al (US 5,850,079, in the record)(hereinafter referred to as 'Ohwa').

Takahashi teaches a shutter opening/closing mechanism with a shutter plate (20) which is movable between a first position where a card transporting path is closed (28) and a second position where the card transporting path is opened, which is a inserting slot of the card, a drive source (12) for moving the shutter plate (20), a connecting member(11, 20, 21, and 22) for connecting a drive force of the drive source (12) to the shutter plate (20), wherein the opening/closing-side end face of the shutter plate is closed substantially parallel to the card transporting path at the closing position, and the opening/closing-side end face of the shutter plate is moved, by the drive source,

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substantially parallel to the card transporting path (see Fig. 1; col. 5, line 3 - col. 6, line 16), the drive source is a solenoid or wire (15), the connecting member includes a slide (20) moved by the solenoid (15) and two turning members (21) coupled together by the slide member (11), the opening/closing-side end face of the shutter plate is moved, by the two turning members, substantially parallel to the card transporting path (see Fig. 1; col. 5, line 3 - col. 6, line 16), the two connecting members (11) are coupled so as to follow the slide member in movement (x-axis direction), and a blocking portion (28) for blocking its movement from the turning member side is provided the two connecting members and the slide member (see Fig. 1; col. 5, line 3 - col. 6, line 16), the connecting member includes a slide member (20) moved by the drive source, and one turning member (17) coupled to the slide member, and the opening/closing-side end face of the shutter plate is moved, by the one turning member, substantially parallel to the card transporting path (see Fig. 7; col. 8, lines 33 - 49).

However, Takahashi fails to teach or fairly suggest that the shutter mechanism includes a card trap member detection.

Ohwa teaches the shutter opening/closing mechanism includes the card tram detection having a detecting part and a micro switches for preventing the shutter from moving into the closing position (see Fig. 1-13; col. 2, line 53 - col. 5, line 48). Ohwa also teaches the opening and closing of transporting path (see Fig. 10; col. 3, line 60 - col. 4, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ohwa to the teachings of Takahashi

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in order to provide an improved and enhanced means for detecting the foreign material trap in the insertion position. Moreover, such modification would reduce the card theft means by an unauthorized individual(s) from the accessing the system when the certain conditions are not clearly met, that is, when the opening of the insertion slot is not fully closed, the card reader will not provide further services as security caution, and therefore an obvious expedient.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 21-25 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument that "*Takahashi fails to opens and closes the card transporting path*" (see page 4, line 13+), the Examiner respectfully disagrees with the applicant wherein the carriage of Takahashi moves between the opening position in which serves as opening of the card transporting path and the closing position in which serves as closing of the card transporting path. Therefore, given its broadest reasonable interpretation of this instant claimed invention, Takahashi meets the claimed limitation. Furthermore, Ohwa clearly show the opening and closing of the transporting path with opening and closing position of the card transporting path as discussed in paragraph 3 above.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Suzuki et al. [US 4,935,916], Watanabe [US 5,696,269], Tsutsui [US 4,900,908], Kitahara [US 5,821,515], and Sugino et al. [US 5,196,687] disclose a writing/reading mechanism for carrying medium.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Seung H. Lee** whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.


If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

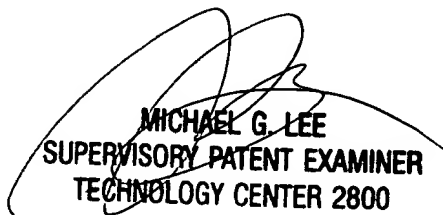
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**michael.lee@uspto.gov**].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Seung H. Lee  
Art Unit 2876  
July 22, 2002

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800